

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO.2)
1998**

EXPLANATORY MEMORANDUM

Circulated by authority of Kerrie Tucker MLA

OUTLINE

This Bill primarily contains two amendments to the *Land (Planning and Environment) Act 1991*. The first amendment expands the provisions in the Act regarding minor amendments to development approvals. The second amendment expands the third party appeal rights against decisions on development applications.

CLAUSE NOTES

Clauses 1, 2 and 3

Are formal requirements referring to the short title of the Bill, specifying that the Bill will commence upon being notified in the Gazette, and identifying the title of the Act being amended.

Clause 4

Amends section 247 of the Act which covers minor amendments to development approvals. At present, a lessee who holds a development approval may apply to amend it. If the relevant authority is satisfied that it is a minor amendment then the approval can be amended under this section without notifying any third parties and without any appeal rights. Clause 4(a) provides that the relevant authority must first give notice of an application for a minor amendment to each person who objected to the original approval of the development application and make available copies of the application for inspection. The objectors then have 14 days in which to provide comments on the application.

Clause 4(b) tightens up the criteria by which minor amendments can be granted by ensuring that the amendment not cause any increase in detriment to any person or the environment.

Clause 4(c) provides that the objectors are notified of the decision on whether to amend the development approval.

Clause 5

Amends section 276 of the Act which relates to reviews of decisions on development applications by the Administrative Appeals Tribunal. At present, only persons who are “substantially and adversely” affected by a decision can appeal. This amendment omits these words to allow appeals from any objector to the original application. The amendment basically reverts the appeal provisions to what existed prior to amendments to the Act at the end of 1996. Subclause 5(d) also omits the provision which prevents appeals on development applications which have been subject to an environmental impact assessment.

Clause 6

Amends section 282A of the Act, which lists the decisions subject to review by the Administrative Appeals Tribunal, in line with the amendments in clause 5.